UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK KELVIN ANDERSON-EL, Petitioner, : 05 Civ. 2697 (JSR) -v-ORDER UNITED STATES PAROLE COMMISSION, DISTRICT OF COLUMBIA AGENCIES, and USDC SDNY FRED MENIFEE, WARDEN, DOCUMENT || ELECTRONICALLY FILED Respondents. DOC #: JED S. RAKOFF, U.S.D.J.

On May 4, 2006, the Honorable Theodore H. Katz, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that Anderson-El's petition for a writ of habeas corpus under 28 U.S.C. § 2241 be denied because he cannot show that the United States Parole Commission violated any constitutional provision when it denied Anderson-El parole and set a rehearing for sixty months thereafter. On May 14, 2006, petitioner timely filed objections.

Having therefore reviewed the record and the issues <u>de novo</u>, and having considered the objections, the Court hereby adopts the Report and Recommendation and, for the reasons stated therein, dismisses the petition. Additionally, because the petitioner has not made a substantial showing of the denial of a constitutional right, the Court declines to issue a Certificate of Appealability under 28 U.S.C. § 2253. Further, the Court certifies pursuant to

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28 U.S.C. § 1915(a)(3) that any appeal from the Court's order would not be taken in good faith. Clerk to enter judgment.

SO ORDERED.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York

September 1, 2006